(2) CG 152 (2)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G)

MISCELLANEOUS APPEAL NO. 1024/2005 **Single Bench**

APPELLANT
CLAIMANT

Sudarshan Kumhar, aged about 27 Year
S/o. Parsuram Kumbhar
R/o. Bajaj Colony, Sector-2, Behind New
Rajendra Nagar, Krishna Nagar
Raipur (C.G.)

VERSUS

RESPONDENTS /
NON-APPLICANT

1) Salim (Samimuddin), aged 28 Year
S/o. Amimuddin, Occasion – driver
R/o. Tikrapara, Bilaspur (C.G.)
Tah. & Jila Bilaspur (C.G.)

2) Md. Hasan Khan S/o. Ali Ahmed Khan
Occupation – Bus owner
R/o. Infront of Hotel Anand, Busstand
Road, Pandariya, Tah. & Distt. Kavardha
(C.G.)

3) The New India Insurance Company Limited
C/o. Through Divisional Manager,
Divisional Office, Kutchheri Chowk, Jail
Road, Raipur (C.G.)

4) Santosh Kumar Dubey,
S/o. Shyam Narayan, Car Owner
R/o. House No. 73, Anand Nagar
Raipur (C.G.) Tah. & Distt. Raipur (C.G.)

P.R. No. 1922/es
Presented by Shri S.D. Yadav
dated 27.11.05

Miscellaneous Appeal under/section 173 Motor Vehicle Act 1988

Being aggrieved by the Judgement and award passed by Eleventh Additional Motor Accident Claims Tribunal, and District Judge, Raipur, in claim case no. 42/2004, dated 17.03.2005, in the case of ~~Khelawan Vs. Kamlesh~~ Sudarshan Kumhar Vs Salim & Others.

Valuation of Appeal : Rs. 99,000/-

The appellant named above most respectfully begs to prefer this appeal on the following facts and grounds amongst others.

FACTS OF THE CASE

1) That the appellant claimed for compensation with the pleadings inter-alia, the Respondent no.1, who was driving the offending vehicle Bus No. C.G.09/ ZA/ 0102, rashly and negligently, Dashed

XI-HC—78

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

ORAL ORDER

(Passed on 19.4.2007)

Heard.

M.C.P. No.1215/05 for condonation of delay is allowed and the delay is condoned.

This appeal is directed against the award dated 17.3.2005 passed by 11th Additional Motor Accident Claims Tribunal, (FTC) Raipur in Claim Case No.42/04 whereby allowing the application of claimant only a sum of Rs.5,000/- has been awarded as compensation to the appellant towards injuries sustained by him in a motor vehicle accident.

From perusal of Para 14 of the impugned award it is observed that the appellant has suffered simple injuries and for that he was given treatment by Maikahara Hospital, Raipur. However, there is no evidence available on record to show that the appellant has sustained any permanent disability in the said accident and considering this aspect the tribunal has awarded a sum of Rs.5,000/- towards the simple injuries sustained by the claimant.

The impugned award to the appellant appears to be just and the same is based on evidence available on record.

In view of the above, I am of the considered opinion that there is no illegality or infirmity in the impugned award passed by the claims tribunal, the appeal being devoid of merit liable to be dismissed and it is hereby dismissed at the admission stage itself.

Sd/-
Dhirendra Mishra
Judge